

12.09.2024
Sl. No.78
akd
[ALLOWED]

C. R. M. (DB) 2568 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.08.2024 in connection with Gopalnagar Police Station Case No.230 of 2024 dated 11.04.2024 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.1206 of 2024)

And

In Re: ***Debasish Pal @ Paul***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Sayan Dev Kumar

... .. for the State

1. It is submitted on behalf of the petitioner there was a matrimonial discord between the couple and the victim had committed suicide in an outburst of emotion. Allegations of demand of dowry are out and out false. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim committed suicide within two months of marriage.
3. We have considered the materials on record. Statements of witnesses show marriage took place two months prior to the incident. Seven days prior to the incident petitioner had brought the victim back to her parental home. Thereafter she committed suicide. Fact the victim returned to her parental home because of an impression that parties had amicably resolved their prior dispute. Nothing is placed on record to show after her return she was again subjected to torture over demands of dowry. These aspects require to be gone into during trial to assess the ingredients of offence

punishable under Section 304B of the Indian Penal Code. There is no chance of abscondence. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Debasish Pal @ Paul***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)